

3. **2006SP-162G-04**
Myatt Drive Thornton's SP (Amendment # 1)
Map: 043-07 Parcels: 069, 070
Subarea 4
Council District 9 – Jim Forkum

A request to amend the development plan for the Myatt Drive Thornton's Specific Plan – Commercial (SP-C) located at the southeast corner of Anderson Lane and Myatt Drive (1.87 acres), approved for a 3,740 square foot automobile convenience market with 7 gas pumps, and to permit a 3,755 square foot automobile convenience market with 8 gas pumps, requested by Thornton's Inc., applicant, for MAT Real Estate LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - A request to amend the development plan for the Myatt Amend Development Plan

Drive Thornton's Specific Plan – Commercial (SP-C) located at the southeast corner of Anderson Lane and Myatt Drive (1.87 acres), approved for a 3,740 square foot automobile convenience market with 7 gas pumps, and to permit a 3,755 square foot automobile convenience market with 8 gas pumps.

Existing Zoning

SP-C District - Specific Plan-Commercial is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes commercial uses.

PLAN DETAILS The Myatt Drive Thornton's SP was approved by Metro Council in 2007. After the plan was approved it was determined that the sale of beer was prohibited because the convenience market building was located within 100 feet of a residential structure. To allow for the sale of beer, the applicants have requested the plan be changed. Currently, both properties that make up the SP district are vacant.

Preliminary Plan The Council approved SP was approved for a 3,740 square foot automobile convenience market with a covered fueling area and seven free standing pumps offering 14 fueling stations. The building was located along the eastern property line closer to Anderson Lane and the fueling area was located along Myatt Drive.

Site Plan The revised plan calls for a 3,755 square foot automobile convenience market with a covered fueling area eight free standing pumps offering 16 fueling stations.

Access will be provided from Anderson Lane and from Myatt Drive. To enhance pedestrian access to and around the site the revised plan includes decorative paving along both entrances and from both Myatt Drive and Anderson Lane to the store.

Landscaping A Standard B-2 Landscape Buffer Yard is shown along the southern and eastern property line except for approximately 200 feet along the eastern property line beginning at Anderson Lane. A solid seven foot tall decorative fence is provided along this section of the property line. A two foot high, masonry knee wall will run along a portion of the western property line abutting Myatt Drive with landscaping at the corner of Myatt Drive and Anderson Lane. Street trees are proposed in the furnishing zone. As there is a NES line over this area, the trees need to be appropriately sized to be below the power line. These trees need to be spaced a maximum of 25 feet along the length of the knee wall.

The Urban Forester has identified a number of concerns with the landscape plan including tree protection, proposed tree species, location of lighting, and missing details regarding proposed tree caliper and height. All of these issues must be addressed as a condition of approval of this amendment to the SP.

Elevations and Signage Building elevations and a signage plan have been provided and are consistent with the approved SP.

Analysis The proposed layout for the final site plan is not consistent with the Council approved preliminary plan; however, the changes do not alter the basic concept of the approved preliminary plan. While the building is to be relocated, adequate pedestrian access from both Anderson Lane and Myatt Drive to the proposed market and buffering to the adjacent residential properties to the east remains.

The proposed concept plan is consistent with the previously adopted SP plan and the revised layout would not, on its own, require Council approval. The proposed plan also includes a second revision, however, to increase the number of pumps. The original SP was approved for seven pumps with 14 stations and the revised plan calls for eight pumps and 16 stations. The effect of additional fuel pumps is increased traffic that increases the overall intensity of the SP. Any change that increases the overall intensity of the SP requires approval from Council.

STORMWATER RECOMMENDATION Approved with conditions:

1. A revised Grading Plan is required prior to Final Site approval.

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

URBAN FORESTER RECOMMENDATION

- Provide details of tree protection plan.
- Provide caliper and height details for all trees.
- Delete Pyrus Calleryana "Cleveland Select" from the plant list.
- Parking lot lights must be kept out of the tree islands.
- Remove the staking from the planting details.
- Substitute the Red Maple shown in the furnishing zone with a tree that is more appropriate for under a power line.
- Trees in the furnishing zone need to be spaced a maximum of every 25 feet along the length of the knee wall.

STAFF RECOMMENDATION Staff recommends approval with conditions of this amendment to the Myatt Drive Thornton's SP

CONDITIONS

1. Permitted uses include automobile convenience. All other uses are prohibited.
2. Free standing signs shall be monument signs and shall have a maximum sign area of 48 square feet, and shall not exceed six (6) feet in height or three (3) feet in height of any portion of the sign located within 15 feet of a driveway.
3. The corrected copy of the development plan shall comply with the requirements of the Urban Forester.
4. Street trees shall be required within the furnishing zone and shall be identified on the final site plan subject to approval of the Urban Forester and Metro Public Works.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan

incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions, (10-0) ***Consent Agenda***

Resolution No. RS2008-169

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-162G-04 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

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8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed amendment to the SP –C district is consistent with the Madison Community Plan's Mixed Use policies, which is intended for a mixture of uses including commercial/retail, office and residential."